

EI-3020



Preserving America's Heritage

July 11, 2007

Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

RE: *BNSF Railway Co. Abandonment*
Morrison County, Minnesota
STB Docket No. AB-6 (Sub-No. 438X)

Dear Ms. Rutson:

On May 8, 2007, we received your notification of adverse effect for the referenced undertaking submitted in accordance with Section 800.6(a)(1) of the Council's regulations, "Protection of Historic Properties" (36 CFR Part 800). Included with your notification was a signed Memorandum of Agreement for the project. In response to our letter of May 9, 2007, STB provided the required documentation so that we could determine if the ACHP should reopen and participate in consultation.

We have reviewed the documentation that you provided and have decided to not reopen consultation at this time. We will, therefore, consider the MOA as having been filed with us in accordance with 36 CFR § 800.6(b)(1)(iv). Because we were precluded from participating in consultation, the outcome of the consultation process may be subject to challenge by parties with an interest in the project. In the future, please be sure to provide us with sufficient advanced notice of any adverse effect determination prior to the execution of a Memorandum of Agreement.

Should you have any questions, please contact me by telephone at (202) 606-8520 or by e-mail at kharris@achp.gov.

Sincerely,

Katry Harris
Historic Preservation Specialist
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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